



Government of
Saskatchewan

The Criminal Injuries Compensation Act of Saskatchewan Fiscal Year End Report

APRIL 1, 1984 TO MARCH 31, 1985

**Administered by the Criminal
Injuries Compensation Board
for the Department of Justice**

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PROGRAMME DESCRIPTION

The Legislation

The legislation under which the Board functions is The Criminal Injuries Compensation Act, Chapter 47, which came into force on September 1, 1967. The Criminal Injuries Compensation Regulations came into effect on April 9, 1984.

Amount of Compensation

3(1) Subject to subsection (2), the maximum amount of compensation that may be awarded by the Board pursuant to the Act in respect of any one case before it is \$7,500.00

(2) The Board shall obtain the prior approval of the Lieutenant Governor in Council before making an award of compensation that exceeds \$7,500.00.

Schedule to the Act

The list of offences included in the Schedule to the Act is confirmed as containing the following offences:

Section of Criminal Code

Offence

66	Taking part in a riot
78	Breach of duty to take reasonable care of explosives
79	Intentionally cause injury with explosives
146(1)	Sexual intercourse with a female under 14
146(2)	Sexual intercourse with a female 14 or more and under 16 years of age
150	Incest
153	Sexual intercourse with stepdaughter, foster daughter, female ward or employee, if accused is more to blame
157	Acts of gross indecency
176	Common nuisance causing bodily harm
200	Abandoning a child
202	Criminal negligence
203	Criminal negligence causing death
204	Criminal negligence causing bodily harm
212, 218	Murder
217, 219	Manslaughter
222	Attempted murder
228	Causing bodily harm with intent

Section of
Criminal Code

Offence

229	Administating noxious things
230	Overcoming resistance to commission of offence
231	Setting traps
232	Interfering with transportation facilities
233	Criminal negligence in the operation of a motor vehicle - dangerous driving
234	Impaired driving
236	Drive while blood/alcohol over .08
240 (1),(4)	Dangerous operation of a vessel
241	Impeding an attempt to save a life
244, 245	Assault
245.1	Assault with a weapon or causing bodily harm
245.2	Aggravated assault
245.3	Unlawfully cause bodily harm
246	Assaulting a peace officer
246.1	Sexual Assault
246.2	Sexual assault with a weapon or causing bodily harm
246.3	Aggravated sexual assault
247	Kidnapping and unlawful confinement
251(1)	Procuring a miscarriage
302,303	Robbery
381(1)(a)	Intimidation by violence or threats
387(2)	Mischief causing actual danger to life
392	Arson
393	False fire alarm

The Board is required by the Act to find the commission of a crime (in the principal class of applications coming before it). A basic qualification for the consideration of an award is that there must be adequate and reliable evidence in this regard. In addition, the Board is required to consider all relevant circumstances including the behaviour of the victim at the time of the incident and the extent to which the applicant co-operated with the law enforcement authorities.

Section 12 (1) (a) of the statute prescribes a one-year limitation period for filing an application for compensation, but the Board may extend the time as it considers warranted.

113. Compensation may be awarded by the Board under this Act in respect of any one or more of the following matters:

- (a) Expenses actually and reasonably incurred as a result of the victim's injury or death and any other expenses that, in the opinion of the Board it is reasonable to incur:

13(b) Pecuniary loss to the victim resulting from the total or partial incapacity of the victim to work:

- (c) Pecuniary loss to dependents as a result of the victim's death:
- (d) Other pecuniary loss resulting from the victim's injury:
- (e) pain and suffering of the victim.

23(1) Subject to subsections (2) and (3), in determining the amount of compensation, if any, to be awarded to an applicant, the Board shall deduct:

- (a) any amount received or to be received by the victim in respect of his injury, or by his dependents in respect to the death of the victim, under or pursuant to any other Act of Canada or Saskatchewan or of any other province or territory of Canada:
- (b) any amount received from the person whose act or commission resulted in the injury or death, whether as damages or compensation, pursuant to an action at law or otherwise.

Hearings

The three members of the Board, who participate on a part-time basis, usually sit on a weekly schedule. Hearings take place in Saskatoon, Regina, and Prince Albert. Some applications which are relatively minor and simple of adjudication, are, with the consent of the applicant, dealt with on documentary evidence alone. This minimizes the need to inconvenience the applicant and/or solicitor, and witnesses insofar as travelling to the location of the hearings, the attendant loss of work time and expenses involved. This also reduces the administrative costs, such as Board members' travel time, accommodation, witness and counsel fees, etc.

Awards made under the Criminal Injuries Compensation Act are cost shared between the Federal Government and the Government of Saskatchewan. The contribution by the Federal Government amounts to 50% of the Awards or a maximum of ten cents per capita of the population of Saskatchewan, whichever is the lesser. The Federal Government does not share administrative costs.

Compensation of Awards

The Act provides that the Board has exclusive jurisdiction to determine whether any person is entitled to compensation as well as the amount of the award. Compensation may be awarded in the form of a lump sum payment and/or periodic award. The majority of the awards are in the form of a lump sum payment, with these awards on the average being approximately \$3,203.45. There is no maximum payment that can be awarded but the minimum payment is not to be less than \$50.00.

	<u>1984-1985</u>	<u>1983-1984</u>
Lump Sum Payments	93	148
Periodic Awards	8	6

Public Awareness

Efforts continue in an attempt to increase public awareness of the Act. The Board tries to make the provisions of the Act known in a variety of ways. Thousands of information pamphlets outlining the provisions of the Act in general terms have been distributed to hospitals, doctors, dentists, police stations, victim assistance agencies, sexual assault and crisis centres, ambulance drivers, band councils, and rural municipalities.

Radio and television interviews are conducted throughout the year along with seminars through the Public Legal Education Association. A selection of typical Board orders are provided to the many news agencies for publication.

Police forces throughout the province have been supplied with hundreds of wallet sized cards (shown below) to be given to the victims of crimes of violence, advising them how to apply to the Board.



**Saskatchewan
Criminal Injuries
Compensation
Board**

Injured innocent victims of violent crimes may be eligible for compensation from the above Board. Reporting to, and co-operating with, the Police, is an important consideration. If you feel you may qualify, contact the Board immediately at (306) 664-5153 or write to 122 - 3rd Avenue North, Saskatoon, Saskatchewan, S7K 2H6.

Who may be eligible for Compensation?

- a) The innocent victim.
- b) The person who has been supporting the victim.
- c) Dependents of the victim.
- d) If the victim dies, any person who incurs expenses on behalf of the victim or his estate.

Please note that lost, stolen, or damaged possessions such as cash, jewelery, or vehicles are not allowable expenses.

STATISTICAL SUMMARIES

	<u>1984-1985</u>	<u>1983-1984</u>
Applications received	176	136
Applications denied	52	14
Decisions completed and awards granted (includes second hearings and re-applications)	101	155
Interim Awards	4	0
Reduced Awards	15	23
Supplementary Awards	16	8
Lump sum payments	93	148 (1 revoked)
Periodic Awards (does not include ongoing payments on claims adjudicated in prior years)	8	6
TOTAL AMOUNT PAID OUT		
Lump sum payments	\$297,921.24	\$407,400.03
Periodic payments	59,074.40	53,779.87
	<u>\$356,995.64</u>	<u>\$461,179.00</u>
Average award (does not include periodic payments)	\$ 3,203.45	\$ 2,734.23

Ages of Victims (based on awards granted)

<u>Age</u>	<u>Number of Victims</u>	
	<u>1984-1985</u>	<u>1983-1984</u>
1-10	1	0
11-20	16	41
21-30	36	57
31-40	20	29
41-50	11	16
51-60	11	6
61-70	1	4
71-80	4	1
80 over	<u>1</u>	<u>1</u>
	101	155
Oldest Victim	90	87
Youngest Victim	6	14
Male Victim	66	111
Female Victim	35	44

CRIMES INVOLVED ON AWARDS GRANTED

Personal Injury Claims Received

96

Death Benefits Claims Received

5

<u>Crime</u>	<u>Criminal Code</u>	1984-85 No. of <u>Awards</u>	1983-84 No. of <u>Awards</u>
Assault	245	64	105
Attempted murder	222	4	13
Robbery	302	3	8
Murder	218	4	7
Sexual assault	246.1	1	0
Bodily harm with intent	228	4	3
Robbery with violence	303	7	3
Aggravated sexual assault	246.3	8	2
Overcoming resistance	230	0	2
Dangerous driving	233	0	2
Indecent assault	146	0	1
Death by criminal negligence	203	0	1
Manslaughter	219	1	1
Impaired driving	234	1	1
Kidnapping	247	0	1
Acts of gross indecency	157	2	0
Intimidation by threats	381	1	0
Sexual intercourse with a female	146	1	0
Rape	144	<u>0</u>	<u>6</u>
TOTAL AWARDS		101	135

Number of charges laid against
the offenders according to orders
made

79(78.22%)

121(73.53%)

CONSOLIDATED SUMMARY OF AWARDS

Medical Expenses	\$ 12,021.39	3.37%
Earnings	125,132.96	35.04%
Pecuniary Loss	25,611.00	7.17%
Pain and Suffering	170,860.00	47.87%
Funeral Expenses	1,439.70	.40%
Other	13,733.85	3.86%
Counsel Fees	8,015.69	2.25%
Witness and Medical Reports	<u>141.05</u>	<u>.04%</u>
	\$356,955.64	100.00%

APPLICATIONS BY AREA

Arcola	1
Balcarres	1
Biggar	1
Canwood	2
Carrot River	1
Cobourg, Ont.	1
Coromont, Man.	2
Cumberland House	1
Delisle	1
Duck Lake	1
Foam Lake	1
Grandora	1
Indian Heal	1
La Loche	1
Lintlaw	1
Lynn Lake, Man.	1
Martensville	1
Meadow Lake	1
Melville	1
Melfort	1
Montreal Lake	1
Moose Jaw	8
Nipawin	1
Norquay	1
North Battelford	1
Onion Lake	1
Prince Albert	10
Quinton	1
Regina	49
Rosthern	1
St. Brieux	1
Saltcoates	1
Saskatoon	67
Sedley	2
Scarsborough, Ont.	1
Smeaton	1
Swift Current	1
Weekes	1
Weyburn	1
Winnipeg, Manitoba	1
Wynyard	2
Yorkton	1

EXAMPLES OF DECISIONS ON CLAIMS

Following are examples of actual awards made on claims.

Illustration No. 1. 1272/84

At the time of the incident the applicant was 47 years old and resided in Canwood, Saskatchewan.

On September 28, 1983 at approximately 6:00 p.m., the applicant was operating a tractor along side the highway, when he was hit by a passing vehicle. The applicant was thrown off the tractor and landed approximately 80 feet from the accident site.

The applicant was seen by a physician who determined that he suffered from the following injuries:

- whiplash injury to neck
- supraspinatus tear to left shoulder
- bruises to right thigh and left calf
- loss of consciousness

The applicant was prescribed analgesics, bed rest and physiotherapy. The applicant appears to have recovered from the injury without complications but complains of leg cramps, headaches and a sore neck.

"F.V." was convicted of impaired driving contrary to Section 234 of the Criminal Code of Canada and dangerous driving contrary to Section 233 of the Criminal Code of Canada. He was sentenced to 6 months goal concurrent on each charge.

This application is for pain and suffering, net lost income and miscellaneous expenses incurred. The applicant received a total of \$5,455.74 for income loss, travelling and medical expenses from the Workers' Compensation Board and this Board determines that such payment took into account all of the applicant's wage entitlement.

The Board finds that the applicant was a victim of a crime within the meaning of the Act, and makes the following Award:

TO THE APPLICANT:

For pain and suffering	\$2,250.00
For hired help	513.00
For medical report	20.00
For travelling expenses	26.88
	<u>\$2,809.88</u>

TO SOLICITOR:

Contribution towards counsel fees	\$ 300.00
	<u>\$ 300.00</u>

TOTAL AWARD	<u>\$3,109.88</u>
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Illustration No. 2 1207/85

At the time of the incident the applicant was 14 years old and resided near Delisle, Saskatchewan with her mother and her mother's common-law husband.

On April 12, 1982, it was brought to the attention of the mother that her common-law husband was sexually assaulting the applicant. The police were called and an investigation was carried out. Evidence given at the hearing indicated that the abuse had started when the applicant was approximately 6 years old and continued to the date of arrest. The applicant stated that she was terrified of the offender, and was threatened by him several times.

The applicant was seen by a physician, who indicated that no physical bodily injury was evident. However, the applicant was emotionally traumatized and suffered several emotional outbursts during school hours. The applicant's mother was contacted several times by her teacher because of the applicant's drastic mood changes in which the applicant would breakdown and cry and then leave the class.

"K.H." was convicted of indecent assault, contrary to Section 149 of the Criminal Code of Canada and was fined \$300.00.

This application is for pain and suffering, net lost income and incidental expenses incurred.

The Board finds that the applicant was a victim of a crime within the meaning of the Act, namely sexual assault, contrary to Section 246.1 of the Criminal Code of Canada and makes the following Award:

TO THE APPLICANT:

For pain and suffering to be paid to the Office of the Public Trustee to be held in trust until the child reaches the age of majority	\$5,000.00
	<u>\$5,000.00</u>

TO THE APPLICANT'S MOTHER:

For travelling expenses incurred	\$ 141.12
For net lost income	444.75
	<u>585.87</u>

TOTAL AWARD	<u><u>\$5,585.87</u></u>
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Illustration No. 3 1121/85

At the time of the incident, the applicant was 25 years old, a police officer, and resided in Regina, Saskatchewan.

On May 5, 1983 at 3:09 a.m., while on duty, the applicant and his co-worker stopped two men in a vehicle to inform them that their vehicle tail lights were not working. The co-worker requested a license and registration from the driver, who replied that he did not have them. He then proceeded to read the breathalyzer demand to "B.F.". "B.F." punched the co-worker and a struggle ensued. "B.F." reached for his knife, but his attempts to use it were deflected by the police officer. The applicant then requested assistance on his radio. Both officers continued to struggle with the offenders in an attempt to subdue them. The fight continued until assistance arrived.

The applicant was taken to the hospital by ambulance, where it was determined that he suffered from the following injuries:

- bruising to right zygomatic area
- 3 cm. laceration on right upper eyelid
- contusion to left arm and elbow
- injury to his right fourth finger
- possible fracture of the medial wall of the right orbit.

The laceration was sutured. On November 15, the applicant was still complaining of occasional swelling of his right lower lid. The applicant recovered from the injury, but complains of periodic numbness in his right fourth finger and swelling of the right eye area.

This application is for pain and suffering and miscellaneous expenses incurred.

"W.F." is charged with aggravated assault, resisting arrest, and obstruction of a police officer, contrary to Sections 245, 246 and 118 respectively of the Criminal Code of Canada. "B.F." is charged with aggravated assault, resisting arrest, obstruction of a police officer, impaired driving, refusing a breath test, and possession of a weapon, contrary to Sections 245, 246, 118, 234, 235 and 85 respectively of the Criminal Code of Canada. These matters are presently before the courts.

The Board advises that it cannot compensate the applicant for the loss of his gold chain. The Board further advises that should the applicant require corrective surgery as the result of this injury, the Board would be prepared to accept a further application in this regard.

The Board finds that the applicant was a victim of a crime within the meaning of the Act, and makes the following Award:

TO THE APPLICANT:

For pain and suffering	\$2,050.00
	<u>\$2,050.00</u>

TO THE SOLICITOR:

Contribution towards counsel fees	\$ 300.00
For disbursements	110.68
	<u>\$ 410.68</u>

Illustration No. 4 1163/84

Two applications were made by "J.P." and "R.T." with respect to the death of "E.M." who was killed by one "D.F.". The offender was convicted of murder and sentenced to life imprisonment. The deceased, was survived by her husband and four children.

The gross value of the deceased's estate was \$99,958.09. In addition, the sister of the deceased was the recipient of a death benefit in the amount of \$24,750.00.

The deceased and her husband owed a quarter section of land as joint tenants, with right of survivorship, and therefore the title of the land was conveyed to him as survivor.

All relevant and appropriate Canada Pension and other benefits were applied for and received. The children are in custody of their father. Most of the net proceeds of the state will be held and managed by the Public Trustee who will administer the same on behalf of the children until they reach the age of majority.

Each of the applicants spent a great deal of time, money and effort to look after the interests of the children for which each of the applicants should be commended.

This application is for pain and suffering, funeral and related expenses.

The Board finds that "E.M." was a victim of a crime within the meaning of the Act, namely murder, contrary to Section 218 of the Criminal Code of Canada, and makes the following Award:

TO: THE ESTATE OF "E.M."

For funeral and related expenses less benefits received	\$1,439.75
	<u>\$1,439.75</u>

TO: "J.P." (the husband)

For moving, travel, relocation and other related costs	\$2,000.00
	<u>\$2,000.00</u>

TO: "R.T." (the sister)

For travel and other related costs	\$ 550.00
	<u>\$ 550.00</u>

TO: "T.M."

For loss of parental support, to be held in trust with the Public Trustee until the child reaches the age of majority	\$1,250.00
	<u>\$1,250.00</u>

Illustration No. 4 1163/84 Cont'd

TO: "T.M."

For loss of parental support, to be held in trust
with the Public Trustee until the child reaches the
age of majority

\$1,250.00
\$1,250.00

TO: "N.M."

For loss of parental support, to be held in trust
with the Public Trustee until the child reaches the
age of majority

\$1,250.00
\$1,250.00

TO: "R.M."

For loss of parental support, to be held in trust
with the Public Trustee until the child reaches the
age of majority

\$1,250.00
\$1,250.00

TO: SOLICITOR

Contribution towards counsel fees

\$ 500.00
\$ 500.00

TOTAL AWARD

\$9,489.70

Illustration No. 5 1192/84

This Award is supplementary to Award No. 1032/83 in which the applicant received a total of \$6,676.18 for funeral and pecuniary loss with respect to the death of his daughter, "J.L.", who was murdered on December 2, 1982.

The deceased left one surviving child, who was born on September 15, 1981. The applicant now has legal custody of his granddaughter.

This application is for further pecuniary loss with respect to the care and maintenance of the child. The applicant may re-apply to the Board at the end of this period for variance should the circumstances change.

"G.P." was convicted of murder, contrary to Section 218 of the Criminal Code of Canada, and sentenced to life imprisonment.

The Board finds that the applicant's daughter was a victim of a crime within the meaning of the Act, and makes the following Award:

TO: "P.L."

For pecuniary loss with respect to care and maintenance of the child from May 1, 1984 to be paid in monthly installments of \$125.00 for a period of 20 months up until December 31, 1985 or until the care of the child is terminated

TOTAL AWARD

\$2,500.00

1154/84 The applicant, a 23 year old male, was assisting a police officer apprehend a female, when the applicant was assaulted by the female. The applicant suffered a swollen lip. The juvenile was charged with assault. Award \$428.00 (including pain and suffering \$350.00).

1157/84 This Award is supplementary to Award no. 922/82 in which the applicant was compensated for pain and suffering, net lost income, and miscellaneous expenses incurred as the result of an injury sustained December 26, 1981. The applicant sustained a fractured mandible, fractured left ankle, and bruises and abrasions to his face. The applicant was left with a malocclusion which was directly attributed to the initial injury. This Award is for further dental costs to correct this defect. The offender could not be identified, and no charges were laid. Award \$6,789.60.

1160/84 The applicant, a 27 year old male, was assaulted and robbed in a washroom in a local hotel. The applicant suffered a hematoma to the forehead, cut above the left eye, attempted strangulation, and throat injuries, and unconsciousness. The offender could not be identified, and no charges were laid. Award \$1,052.00 (including pain and suffering \$950.00).

1161/84 The applicant, a 27 year old female, was walking home after a hockey game when two men grabbed her purse and ran. The applicant was injured as the result of the struggle in attempting to hold onto her purse. The offender could not be identified and no charges were laid. Award \$602.00 (including pain and suffering \$600.00).

1163/84 This application is made jointly by the husband and sister of the victim who was murdered. This application is for funeral, related expenses, and loss of parental support. The offender was convicted of murder. Award \$9,489.70 (including loss of parental support \$5,000.00).

1165/84 The applicant, a 75 year old male, was assaulted and beaten by two men. The applicant suffered a dislocated right lens, lacerations of the lower lip, bruising and swelling below the right eye, multiple contusions to the face, pain upon movement of his head, neck and upper back. The offenders were convicted of assault causing bodily harm. Award \$1,736.44 (including pain and suffering \$1,650.00).

1168/84 The applicant, a 60 year old male, was assaulted. This Award is supplementary to Award No. 924/82 in which the applicant was compensated for pain and suffering and miscellaneous expenses incurred. This application is for further expenses incurred and net lost income. The offender was convicted of assault causing bodily harm. Award \$37,155.50.

1169/84 The applicant, a 21 year old male, was leaving a licensed beverage room when he bumped into a man in the doorway. After apologizing, he proceeded to the parking lot. He was there surrounded by five men who proceeded to assault him and he was stabbed. The applicant suffered 2 stab wounds to his left chest with hemopneumothorax. The offender was convicted of assault. Award \$1,900.00 (including pain and suffering \$1,750.00).

1172/84 This Award is supplementary to Award no. 1054/83 in which the applicant was compensated for pain and suffering, net lost income, and miscellaneous expenses incurred, as the result of an assault. This application is for further net lost income. The offender was convicted of assault. Award \$214.39.

1173/84 The applicant, a 28 year old female, while at her home, was struck with a brick over the head, by an intruder. The applicant suffered unconsciousness, and when regained, phoned a friend, who in turn contacted the police, and an ambulance. The applicant sustained three large lacerations to her left forehead, left occiput, and left parietal region, bruised ribs, fractured left third finger, and amnesia to the event. Hypnosis was used on the victim in an attempt to get a description of the suspect or bring a better recall of the events, however, this failed to provide the authorities with any further information. Award \$5,425.50 (including pain and suffering and emotional trauma \$3,000.00).

1174/84 The applicant, a 24 year old male, was in a vehicle in a parking lot, when he and the driver were approached by three males who began harassing them. When the applicant got out of the vehicle he was pushed backwards. When the applicant fled he was followed and hit and kicked several times. The applicant suffered 2 black eyes, a swollen nose, bruises and abrasions in left cheek, right temple, a minor cut inside upper lip, and a scrape to the left knee. The offender was convicted of assault. Award \$1,917.58 (including pain and suffering \$950.00).

1176/84 The applicant, a 12 year old female, was raped while staying at a friend's house. The offender was the friend's father. The offender was convicted of having intercourse with a female under 14 year of age. Award \$2,942.00 (including pain-and suffering \$2,900.00).

1180/84 The applicant, a 22 year old male, was walking in a parking lot with two friends when a man drove into the lot, accelerated at them, braked and repeated this process. The driver jumped out of the vehicle and assaulted the applicant. During the scuffle, the driver pulled out a knife and stabbed the applicant. The applicant suffered a 6 cm. stab wound to the left thigh, and a sprained right thumb. The offender was charged with assault. Award \$1,791.85 (including pain and suffering \$1,500.00).

1181/84 The applicant, a 39 year old female, was at home when her ex-boyfriend broke into her home and assaulted her. The applicant sustained a fracture of the right mandible, and bruises to the facial area. The offender was charged with assault. Award \$3,070.71 (including pain and suffering \$2,200.00).

1182/85 The applicant, a 48 year old male, was in bed with an ex-girlfriend when her common-law husband broke into her trailer with a claw bar and proceeded to assault the applicant. The applicant sustained a laceration to the left elbow, multiple contusions, abrasions to and swelling of the abdomen. The offender was convicted of assault. Award \$1,980.31 (including pain and suffering \$1,750.00).

1183/85 The applicant, a 71 year old female, was walking home when she was attacked by a young female who grabbed the applicant's handbag and forced the applicant to the ground. The applicant hung onto the bag and was subsequently kicked in the face and body several times until she released the purse. The applicant suffered from bruising to the right middle finger and right forearm, nasal septum deviated slightly to the left, and swelling around the eye area. The offender was convicted of robbery. Award \$1,330.24 (including pain and suffering \$1,300.00).

1184/85 The applicant, a 32 year old female, heard a noise on her patio and went to investigate, when she saw a man breaking into her residence. She attempted to call the police, but was assaulted by him. The man then fled the apartment. The applicant suffered a concussion, an undisplaced fracture of the nose, a 10 cm. laceration on the upper eyelid, and a 1.5 cm. laceration to her nose. The offender could not be identified, and therefore no charges have been laid. Award \$3,779.10 (including pain and suffering \$3,000.00).

1186/85 The applicant, a 37 year old female, had rented a suite in her residence to a male for the month of December. On December 2nd, he moved in and paid the rent, but decided to move out after that night. On December 6th he returned to collect the rent he had paid, but the applicant refused to reimburse him. The man grabbed the applicant and pulled her down the stairs. The applicant suffered lower quadrant abdominal pain and pain in her left upper arm. The offender was convicted of assault. Award \$507.75 (including pain and suffering \$500.00).

1188/85 The applicant, a 17 year old female, entered her apartment building and a man followed her up the stairs, jumped on her, and covered her mouth with his hand. The applicant fought back and the offender ran away. The applicant chased after him and obtained the license number of his vehicle. The applicant suffered a swollen lip, a bump to her head, and a stiff neck. The offender was convicted of assault. Award \$609.50 (including pain and suffering \$600.00).

1189/85 The applicant, a 33 year old male, was unloading his semi-trailer when a man approached and proceeded to steal items from the cab of his truck. When the applicant went to investigate, the man struck him over the head with a wrench. The applicant suffered a mild concussion. The offender was charged with robbery, but was declared unfit to stand trial. Award \$866.38 (including pain and suffering \$750.00).

1191/85 The applicant, a 31 year old male, was accompanying two females across a parking lot to a local restaurant. A man and woman passed them and made rude comments towards the applicant's friends. When the applicant asked the man to repeat himself, the applicant was attacked by the man. The applicant and the man were wrestling on the ground when the man asked his female friend to assist him. The female jumped on the applicant and stabbed him several times. The two women then grabbed the female and pulled her off. The applicant suffered two stab wounds to the chest, a right pneumothorax secondary to the stab wound, and an 8 inch laceration to the left forearm with division of the ulnar artery. The offender was convicted of assault. Award \$7,279.37 (including pain and suffering \$4,000.00).

1198/85 The applicant, a 27 year old male, was standing in a lineup to enter a nightclub, when he was grabbed from behind by the hair and assaulted. The applicant suffered loss of consciousness for a short period of time, mild lower cervical sprain, loss of hair, multiple bruises and contusions to his face and head area. The offender was charged with assault. Award \$457.50 (including pain and suffering \$450.00).

1201/85 The applicant, a 26 year old male, was leaving a hotel when he was assaulted and robbed by two men. He suffered abrasions to his nose and right side of his forehead, bruises to the shoulder, clavicle and neck, and suffered tenderness to his groin area. Two men were charged with robbery with violence, but the applicant was unable to identify them at the trial. Award \$888.00 (including pain and suffering \$800.00).

1202/85 The applicant, a 23 year old female, was in a bar when a man struck the applicant across the face with a glass. She suffered two lacerations to her face measuring 5 cm. and 5 mm. She complains of left sided weakness of the mouth and is left with residual scars. The offender was charged with assault. Award \$2,067.33 (including pain and suffering \$1,500.00).

1203/85 The applicant, a 87 year old female, was assaulted and robbed by three youths. She suffered multiple fractures of her left rib cage and a small pleural effusion on the left side. The offenders were not apprehended. Award \$1,865.50 (including pain and suffering \$1,750.00).

1204/85 The applicant, a 25 year old female, was stabbed by her estranged husband. She suffered a stab wound to her left forearm, severe edema and bruising to the right eye, headaches, and bruises to her left elbow and shoulder. The offender was convicted of assault and imprisoned. Award \$2,825.00 (including pain and suffering \$2,750.00).

1205/85 The applicant, a 34 year old male, heard several noises in his yard and went to investigate. He was attacked by six males. He suffered a 5 cm. laceration to his forehead, three scalp lacerations totalling 11 1/2 cm., bruises to his back and thighs, severe contusions and large haematoma to his left lower thigh region, and contusions to his right forearm. The offenders were not apprehended. Award \$1,674.92 (including pain and suffering \$1,500.00).

1206/85 The applicant, a 57 year old male, was struck with a 2x2 when his landlord became angry that he wanted to move into a larger apartment. He suffered an undisplaced fracture of the left clavicle, comminuted fracture of the left ulna, lacerations and contusions to his forehead, and a fractured left rib. The offender was charged with assault. Award \$1,782.30 (including pain and suffering \$1,750.00).

1207/85 The applicant, a 14 year old female, was sexually assaulted by her mother's common-law husband. The offender was convicted of sexual assault. Award \$5,585.87 (including pain and suffering \$5,000.00).

1209/85 The applicant, a 17 year old male, was assaulted by a male when leaving a party. The applicant suffered a contusion and bruising to the left eye, loss of both upper central incisors, headaches, and a cut to the lower lip. The offender was charged with assault. Award \$900.00 for pain and suffering only.

1210/85 The applicant, a 32 year old male, was assaulted while on duty as a police officer. The applicant suffered a compound comminuted displaced fracture of the nasal bones, contusions to his collar bone, back and upper lip, and a laceration to the nose. The offenders were convicted of aggravated assault. Award \$2,550.00 (including pain and suffering \$2,250.00).

1211/85 The applicant, a 25 year old male police officer, was assaulted while on duty. The applicant suffered bruising to the right zygomatic area, a 3 cm. laceration on the right upper eyelid, a contusions to the left arm and elbow, an injury to his right fourth finger, and a possible fracture of the medial wall of the right orbit. The offenders were charged with aggravated assault. Award \$2,460.68 (including pain and suffering \$2,050.00).

1213/85 The applicant, a 72 year old male, was walking home when he was assaulted by four males who attempted to rob him. He suffered bruises and contusions, tri-malleolar fracture of the right ankle. The offenders were not apprehended. Award \$2,016.50 (including pain and suffering \$1,900.00).

1215/85 The applicant, a 37 year old male, was sitting on his front steps when a man approached with a knife and demanded his wallet. When the applicant reached for his wallet he was stabbed. He suffered a stab wound to the upper right arm that transected his median nerve and partially severed his brachial artery, and a superficial laceration to his chest area. The offender could not be identified and therefore no charges have been laid. Award \$2,151.00 (including pain and suffering \$2,000.00).

1216/85 The applicant, a 19 year old male, was approached by two males who mistook the applicant for someone else and stabbed him several times. The applicant suffered a 2.5 cm. laceration to the left temple, a 2 cm. laceration to the left arm, and a stab wound to the upper left abdomen. The offender were charged with aggravated assault, however this matter was stayed in court. Award \$870.00 (including pain and suffering \$800.00).

1217/85 The applicant, a 18 year old male, answered his door and was confronted with a female and three males who accused him of stealing a wallet and assaulted him. He suffered a deep 6 cm. laceration to the right deltoid area with muscle division, bruises to the right temporal area, upper lip, and right shoulder and neck. The offenders were not identified. Award \$1,076.45 (including pain and suffering \$1,000.00).

1218/85 The applicant, a 20 year old male, was assaulted by four people when his companion was accused of stealing a wallet. The applicant suffered a displaced fracture of the base of the fifth metacarpal. The offenders were not identified. Award \$1,221.50 (including pain and suffering \$1,050.00).

1219/85 The applicant, a 32 year old female, was pulled into her estranged common-law husband's vehicle and driven out of the city, where she was assaulted. The applicant suffered bruises to her right cheek, forehead, scalp area, forearm, lips, right breast and left foot, several torn fingernails, abrasions to right little finger, left wrist, and left knee, and loss of hair. The offender was convicted and sentenced. Award \$1,547.50 (including pain and suffering \$1,500.00).

1220/84 The applicant, a 76 year old female, was walking down the street when a youth grabbed her purse, knocked her to the ground and dragged her for some distance down the sidewalk. She suffered an abrasion to her left knee and hematoma to right elbow, and a displaced fracture of the right olecranon. The offender could not be identified and no charges have been laid. Award \$2,491.75 (including pain and suffering \$1,850.00). 21

1222/84 The applicant, a 21 year old male, was assaulted when he stepped in to break up a fight, when he was employed at a gym under a youth program. He suffered an undisplaced fracture of the nasal bones, fractured teeth, and bruises and contusions to eyes, face, and thoracic area. The offender was charged with assault. Award \$2,560.00 (including pain and suffering \$2,250.00).

1224/84 The applicant, a 26 year old male, was invited to a party by three people he met while in the bar. At the party, the applicant's friend was assaulted, and when the applicant went to assist him he was struck with a blunt instrument several times. He suffered a spiral fracture of the proximal shaft of the fourth metacarpal bone of the right hand, and a laceration to the left eyebrow, and a swollen eyelid. The offenders were not identified and no charges have been laid. Award \$1,053.62 (including pain and suffering \$900.00).

1226/85 The applicant, a 19 year old male, while employed in a lounge, asked a patron who could not produce proper identification to leave the premises. The patron refused, and the applicant went to call the police, at which time the patron struck him with a broken beer bottle. The applicant suffered a 7 cm. laceration to the dorsum of his left hand. The offender was convicted of assault. Award \$1,254.00 (including pain and suffering \$950.00).

1227/84 The applicant, a 48 year old female, was at her residence when an argument erupted between two males. One of the men left the residence and returned with two knives. He attacked the applicant and stabbed her. The other male attempted to intervene and was also stabbed. The applicant suffered a 2 cm. stab wound to the left upper quadrant of the abdomen, a deep 4 cm. stab wound over the lateral left thigh, and superficial cuts to the third and fourth fingers. The offender was charged with murder of the male who tried to intervene. Award \$1,841.50 (including pain and suffering \$1,750.00).

1243/85 The applicant, a 36 year old male, was leaving a lounge, when he stopped to talk to one of his friends who informed him that a male person had just collided with her car. When the applicant went to investigate, the offender apparently screeched his tires, drove to the end of the lot and returned. The offender jumped out of his truck and assaulted the applicant. The applicant suffered unconsciousness for approximately 3 weeks, a displaced fracture at the right angle of the mandible, a depressed fracture of the right zygomatic maxillary complex, acute subdural hematoma, multiple bruises and contusions. The offender was convicted of aggravated assault. Award \$5,441.03 (including pain and suffering \$4,000.00) The loss of income was dealt with in another Award.

1234/84 The applicant, a 57 year old male, was walking into his residence, and noticed the television on the floor in the hallway. He went in to investigate, and he was attacked and assaulted by a male intruder. The male stole the applicant's wallet and watch, and then ripped the phone off the wall before leaving. The applicant suffered bruising to his right eye area, and a minor laceration above his eye, tenderness and swelling to right zygomatic arch and superior orbital ridge, tenderness in perineal area. The offender could not be identified and no charges were laid. Award \$700.00 for pain and suffering only.

1235/84 The applicants, were 13 and 6 years old and lived with their mother and her common-law husband. The police were contacted by their father and informed that the children were being indecently assaulted by the common-law husband. The children required counselling to help alleviate the emotional trauma, but had a set back when the same offender fatally shot their mother. Award \$4,844.00 (including pain and suffering of \$2,000.00 to the oldest child and \$1,500.00 to the youngest).

1237/84 The applicant, a 15 year old male, was babysitting for his sister when a dispute arose between his sister and her husband. When the applicant tried to intervene he was assaulted by his brother-in-law. He suffered an elevated amylase, traumatic pancreatitis with irritability of the second portion of the duodenum, and a bruised arm. The offender was convicted of assault. Award \$1,525.95 (including pain and suffering \$1,500.00.)

1238/84 The applicant, a 25 year old female, was in her residence, when her common-law husband's brother entered on the pretext of paying her a social visit, and raped her. She suffered abrasions to her neck area, and a bruise to her left elbow. The offender was convicted of sexual assault. Award \$3,495.00 (including pain and suffering \$3,250.00).

1244/85 The applicant, a 21 year old female, was crossing a parking lot to a local restaurant, with two friends. A man and a woman passed them and made several rude comments, to the applicant and her female companion. The male companion asked the stranger to repeat what he had said and he was attacked. The applicant tried to stop the fight, and she was stabbed by the female stranger. She suffered four stab wounds to the abdomen, right posterior chest wall, and right lateral aspect of the right rib cage measuring approximately 3/4 in. each. The offenders were convicted of assault. Award \$1,949.00 (including pain and suffering \$1,750.00).

1249/85 The applicant, a 66 year old female, was attacked by a male who grabbed the applicant's purse and then pushed her to the ground. The applicant suffered contusions to the left elbow and both knees, strain of the neck and shoulders, and anxiety. The offender was not identified and no charges have been laid. Award \$893.00 (including pain and suffering \$750.00).

1255/85 The applicant, a 23 year old male, was working at a hotel, when he witnessed a man assaulting a woman. When the applicant went to assist the female, he was assaulted by the man. The applicant suffered a human bite wound with compound fracture of second metacarpal head of the right hand, laceration to inside of the lip and a damaged tooth. The offender was convicted of assault. Award \$2,899.50 (including pain and suffering \$2,400.00).

1259/85 The applicant, a 24 year old male, was leaving a nightclub with his brother, when they were assaulted by three males. The applicant suffered a laceration on his forehead above his right eye, bruises to the right eye, and headaches. The offenders were charged with assault. Award \$1,354.50 (including pain and suffering \$1,200.00).

1267/84 The applicant, a 31 year old male, was working as a cab driver when he was assaulted by a male passenger. The applicant sustained multiple facial contusions, a superficial scar to face, pain in his right arm, shoulder, neck, and loss of grip in his right hand. The offender was convicted of assault. Award \$1,768.98 (including pain and suffering \$1,050.00).

1272/85 The applicant, a 47 year old male, was operating a tractor along side of the highway, when he was hit by a passing vehicle. The applicant sustained whiplash to his neck, superaspinitus tear to his left shoulder, bruises to the right thigh and calf, and loss of consciousness. The offender was convicted of impaired driving and dangerous driving. Award \$3,109.88 (including pain and suffering \$2,250.00).

1281/84 The applicant, a 90 year old male, was at his residence, when a stranger entered and demanded money. When the applicant's wife approached the stranger, she was stabbed several times. The offender then stabbed the applicant and left the house. The applicant's wife died as the result of her injuries. The applicant suffered a deep 6 inch stab wound to the left lateral chest, and a 2 inch stab wound to the chest wall. The offender was convicted of murder. Award \$4,203.59 (including pain and suffering \$1,750.00).

1286/85 The applicant, a 28 year old female, was riding her bicycle when a man started to follow her on his bicycle. She stopped at a confectionary to seek assistance but it was closed. The man then attacked her and assaulted her. The applicant escaped and got back on her bicycle. The man caught up to her and pushed her off the bike into a parked car. The applicant sustained a fracture through the neck of the right scapula, bruises and abrasions to shoulder, arms and legs. The offender could not be identified and no charges have been laid. Award \$1,818.84 (including pain and suffering \$1,500.00).

1287/85 The applicant, a 60 year old male, was working at a motel as a desk clerk, when a masked man entered with a rifle and demanded money. When the applicant handed over the money, he grabbed the gun and the assailant ran away. The applicant did not suffer any physical injuries. A few months later, the applicant was again working at the same place, when a man approached him and stabbed him in the left side. A scuffle ensued and the assailant left the motel. He suffered a laceration to the right hand, and a stab wound to the left chest. The offender was charged with attempted murder. Award \$2,125.00 (including pain and suffering \$2,000.00).

1289/85 The applicant, a 19 year old female, was asleep in her bedroom when she awoke and saw a man wearing a mask beside her bed. The man placed a knife against her throat and sexually assaulted her. The applicant suffered a minor laceration to her palm, and emotional stress. The offender could not be identified, and no charges have been laid. Award \$3,042.85 (including pain and suffering \$2,750.00).

1295/85 The applicant, a 28 year old female, heard a noise in her apartment and observed a man crawl through her window. He attempted to rape her, but the applicant was able to fend off the intruder and ran to a nearby apartment for assistance. The applicant suffered an abrasion to the right knee and left elbow, and a fractured distal phalanx. The offender could not be identified, and no charges have been laid. Award \$1,500.00 (for pain and suffering only).

1296/85 The applicant, a 20 year old female, was working in a flower shop when a man entered on the pretext of buying some flowers. When the applicant approached the till, the man pulled out a knife, threatened her, and demanded money. The assailant took the money out of the till and told the applicant to stay in the backroom of the shop. When the assailant left the applicant called the police. The offender could not be identified. Award \$746.32 (including pain and suffering and emotional trauma \$700.00).

1297/85 The applicant, a 38 year old male, was parking his motorcycle at home when two masked men approached him in a car. The occupants of the vehicle proceeded to shoot the applicant several times. The offenders were not apprehended to date. The applicant suffered several gunshot wounds to his abdomen and thigh, and a comminuted compound fracture of the left distal humerus. Award \$2,366.00 (including pain and suffering \$2,250.00).

AWARDS DENIED OR REDUCED

Illustration No. 1. 1232/85

At the time of the incident, the applicant was 52 years old and resided in Prince Albert, Saskatchewan.

On June 5, 1984, at approximately 1:00 a.m., the applicant was walking home with a friend when he was approached by a man who knocked him down in an attempt to steal their beer. The applicant was injured in the scuffle. The assailant was chased by the applicant's friend and later apprehended.

The applicant was taken to the hospital, where it was determined that he suffered from the following injuries:

- swelling behind the left ear, with bleeding from the left ear
- headaches
- linear fracture of the left temporal bone

The applicant was treated in the hospital for seven days and given medication.

On June 18, the applicant was complaining of dizziness when he changed positions or turned his head. He was referred to a specialist who indicated that the applicant was suffering from a tear in the ear canal, a laceration of the eardrum and deafness due to blood in the middle ear.

The applicant was requested to undergo an audiograph and a review of his ear condition, but failed to do so.

"A.G." was convicted of assault, contrary to Section 245 of the Criminal Code of Canada, and was sentenced to 1 year imprisonment.

This application is for pain and suffering, net lost income, and miscellaneous expenses incurred. The Board is unable to make an award insofar as the applicant's net income loss is concerned until his situation has been clarified with his employer and the Sun Life Assurance Company.

The Board finds that the applicant was a victim of a crime within the meaning of the Act, but finds further that this Award should be reduced by 30% because of the applicant's advanced state of intoxication at the time of the incident, and his failure to co-operate with the medical authorities. The Board, therefore, makes the following Award:

TO: THE APPLICANT

For pain and suffering	\$3,000.00
For damaged glasses	290.70
For medication	3.95
For ambulance	65.00
	<u>3,359.65</u>
Less 30%	<u>1,007.89</u>
TOTAL AWARD	<u>\$2,351.76</u>

Illustration No. 2 1273/84

At the time of the incident, the victim was 24 years old, had 3 dependent children, and resided on the Flying Dust Reserve near Meadow Lake, Saskatchewan.

This application is made with respect to the death of her daughter, "S.W.", who was shot to death on August 24, 1982 by her common-law husband, "D.M."

"D.M." was convicted of manslaughter, contrary to Section 219 of the Criminal Code of Canada and was sentenced to 3 years incarceration.

This application is for funeral and related expenses, and pecuniary loss. The surviving children are now residing with their grandmother and she is receiving benefits from the Department of Indian Affairs.

After careful consideration the Board must deny this application because the application was not made within the required time period. The Board did not extend the time limitation because of the deceased's state of intoxication at the time of the incident, and because she continued to cohabit with the offender knowing of his violent and unpredictable propensities.

Therefore pursuant to Section 12 (1) (a) of the Act this application is hereby denied.

Illustration No. 3 1248/85

At the time of the incident, the applicant was 17 years old and resided in Saskatoon, Saskatchewan.

On August 13, 1983, the applicant was informed that one of his friends had been assaulted by a male earlier that evening in an arcade. The accused was pointed out to the applicant, and the applicant approached the accused and asked him what the problem was. The two exchanged "slaps" and then the accused left the premises. The applicant indicated to his friend that if the accused returned the applicant's assistance was to be requested. At approximately 10:45 p.m., the applicant's friend informed him that the accused was looking for him, so the applicant returned to the arcade to investigate. Words between the accused and the applicant were exchanged and a fight broke out. During the fight both males fell through a plate glass window. The police arrived and the accused was handcuffed. The applicant states that when he walked past the accused, he kicked him in the face.

The applicant was taken to the hospital, where it was determined that he suffered from the following injuries:

-lacerations to his right thigh, right shoulder and both arms

The lacerations were cleansed and sutured. The applicant recovered from the injuries, but is left with residual scars.

"A.H." was convicted of creating a disturbance by fighting, contrary to Section 171 of the Criminal Code of Canada and was sentenced to 30 days imprisonment.

This application is for pain and suffering, net lost income, and miscellaneous expenses incurred.

The Board finds that the applicant was not an innocent victim of a crime within the meaning of the Act pursuant to Section 11 (a) because the applicant voluntarily participated in a scuffle that eventually resulted in an injury to himself.

This application is therefore denied.

Illustration No.4 1278/84

At the time of the incident, the applicant was 22 years old and resided in the district of Nipawin, Saskatchewan.

On May 3, 1984 the applicant and his companion were target shooting in a trailer. When the applicant approached the target to see where he had shot, his companion discharged the gun and accidentally hit the applicant.

The applicant eventually was taken to the Nipawin Hospital and then transferred to the University Hospital in Saskatoon, where it was determined that he suffered from the following injuries:

- gunshot wound entering over the right zygoma, passing through the maxillary sinuses and exiting through the left zygoma, resulting in an undisplaced fracture of the right zygoma
- contused fifth cranial nerve
- bruising to left eye

The applicant was hospitalized for 5 days for observation and then discharged. He recovered from the injury, but still complains of numbness in his left cheek area. The applicant is also left with residual scars.

"R.B." is charged with dangerous use of a weapon, contrary to Section 84 of the Criminal Code of Canada. This matter is presently before the Courts.

This application is for pain and suffering and miscellaneous expenses incurred.

The Board finds that the applicant was not a victim of a crime within the meaning of the Act because of the following:

1. The applicant was intoxicated at the time of the incident.
2. The applicant voluntarily entered into a risky situation.
3. The information before the Board does not support a finding that the applicant was injured as the result of a criminal act as contemplated within the meaning of the Act.

Therefore pursuant to Section 11(a) of the Act, the Board denies this application.

1225/84 The applicant, a 62 year old male, was returning home by bus from a hotel with a case of beer. When he dismounted the bus, he fell. He continued on his way home, but was followed by a male. The male apparently walked into the applicant's home and proceeded to assault him. The applicant suffered a contusion to his left eye, abrasions to the left side of his face, and a droopy left lip. The offender was charged with assault. Award \$420.00 This Award was reduced 30% as the applicant was in an advanced stage of intoxication at the time of the incident. (including pain and suffering \$600.00).

1229/84 The applicant, a 45 year old female, was assaulted by her male companion after attending a party. She suffered bruising to the right eye, nose, shoulder, arm and forearm, lacerations to the back of her head and wrist, loose upper right incisor. and scratches to the chest. The offender was convicted of assault. Award \$672.98 . This Award was reduced by 30% because the applicant continued to associate with the accused when she knew of his violent propensities. (pain and suffering \$950.00).

1230/84 The applicant, a 24 year old male, left the bar with three people to attend a party. The applicant and the three people were drinking on the way, and the three decided they did not want the applicant to attend the party, so they dragged him out of the vehicle and proceeded to assault him. The applicant suffered extreme bruising and cuts to his face and body, pneumothorax of the left side of the lung. The offenders were convicted of assault. Award \$1,998.93 This Award was reduced 30% because the applicant did not follow medical advice and was intoxicated at the time of the incident. (pain and suffering \$2,500.00).

1232/84 The applicant, a 52 year old male, was walking home with a friend, when he was approached by a man who knocked him down in an attempt to steal their beer. The applicant suffered swelling behind the left ear, with bleeding from the left ear, headaches, and a linear fracture of the left temporal bone. The offender was convicted of assault. Award \$2,351.76 This Award was reduced by 30% because of the applicant's advanced state of intoxication at the time of the incident, and his failure to co-operate with the medical authorities. (Pain and suffering \$3,000.00).

1233/84 The applicant, a 21 year old female was attending a party with her common-law husband. They returned to their residence and the husband asked the applicant to return to the party to pick up his crib board and other items. She did, and while there went for a walk with a male companion. While walking they stopped at Mr. X's house, who insisted that they come in for a drink. The applicant said she did not want one, but Mr. X refused to let her leave until she finished her drink, which was several ounces of whiskey. The three of them some time later returned to the party. The applicant went to the bathroom, and was followed by Mr. X who indicated "that she had better get herself together if she was going to work for him". He then dragged her into the bedroom and allegedly raped her. The applicant suffered a swollen lip with a minor laceration, loose tooth, and a bruise to the right elbow. The offender was not charged as the Crown Prosecutor felt there was insufficient evidence to proceed with a charge of rape. This Award was reduced by 20% because the applicant was in an advanced stage of intoxication at the time of the incident. Award \$2,383.44 (including pain and suffering \$2,900.00).

1147/84 The applicant, a 61 year old male, was leaving a hotel room when he was allegedly struck from behind and fell unconscious. He was then apparently further assaulted and robbed. The applicant did not report this matter to the police authorities. This application is therefore denied pursuant to Section 12 (1) (b) of the Act.

1150/84 The applicant, a 33 year old male, states that he had been drinking all evening and was walking home when he was assaulted and robbed by two men. This incident was not reported to the police until an application was made to the Board, some 6 weeks after the assault. This application was therefore denied pursuant to Section 12 (1) (b) of the Act.

1153/84 The applicant, a 47 year old male, began pounding on the door of a neighbour. The neighbour awoke and told the applicant to go away. The applicant continued to knock and tried to gain entry through a window. The neighbour became frightened and pointed her gun at the door. She told the applicant to leave. When he continued to push on the door, she discharged the gun towards the window, to scare the applicant. The applicant unfortunately was standing by the window and was shot. This application was denied as the applicant was in an extreme state of intoxication at the time of the incident.

1156/84 The applicant, a 29 year old male, states that he arrived at his hotel room and was assaulted and robbed by two unknown males. This application was denied because of the applicant's degree of intoxication which contributed to his injury, there is no clear evidence that an offence under the Act was committed, and the contradictory medical evidence given.

1158/84 The applicant, a 43 year old male, was drinking in a hotel when an argument erupted between the applicant and another male. They went outside the building to settle their differences, and became involved in a wrestling and shoving match, until the alleged offender said he knew karate and charged the applicant into a cement wall. This application was denied as the applicant was intoxicated at the time, and voluntarily agreed to go outside and fight the offender.

1159/84 The applicant, a 30 year old male, was attending a local dance when he was found to have open liquor in a place other than a dwelling. A police officer informed him that he was under arrest and allegedly the applicant responded by swinging his fist at the officer and walked away. A struggle ensued and a throathold was applied by one of the officers. Subsequent to this two further struggles broke out when the applicant tried to escape. After an exhaustive investigation by the R.C.M.P., and the Attorney General's Office, it was determined that excessive force was not used in this incident. The Board therefore denied this application as the applicant was not a victim of a crime within the meaning of the Act.

1167/84 The applicant, a 24 year old male, was stabbed several times by two males. The applicant was incarcerated at the time of the incident. The applicant suffered shock, a penetrating stab wound to the left flank with renal and splenic injury, multiple stab wounds to the head and extremities, and left hemothorax. The applicant was injured earlier in a prior incident by the same two inmates, but also started a fight with one of the offender's and broke the offender's nose. The Board therefore denied this application due to the applicant's earlier conduct and because the applicant would not co-operate with the law enforcement authorities.

1171/84 The applicant, a 51 year old male, saw his ex-son-in-law drive by his daughter's house and followed him. Eventually a fight ensued. The applicant received a 1 cm. laceration under his right eye, 1.5 cm. laceration to the bridge of his nose, multiple hematomas to his face, bruising and swelling of the facial area, and lower right chest, and abrasions to both elbows. The offenders were charged with assault, but these were dismissed in court, along with the charges of wilful damage against the applicant. The alleged offender and the applicant previously had confrontations extending back as far as 3 years prior to this incident. This application was denied as the applicant initiated the incident which eventually led to his injury.

1178/84 The applicant, a 30 year old female, was found in an unconscious state by police, and had apparently been beaten by her common-law husband. The applicant was unconscious, had a subdural hematoma, laceration behind the left ear, and bruises and abrasions to the thorax. The applicant remained comatose due to severe brain damage and continues in that state. The offender was convicted of wounding with intent. This application was denied, as the applicant continued to associate with the offender even though she was aware of his tendency to violence and her association resulted in her injuries.

1187/84 The applicant, a 21 year old male, was found lying on the pavement behind a nightclub by police. The applicant apparently had been escorted out of the establishment by employees after he was involved in an altercation. The applicant was so intoxicated he did not remember any of the events, and refused to co-operate with medical authorities. This application was therefore denied.

1194/84 The applicant, a 33 year old male, was found by police standing on a sidewalk bleeding profusely from the neck. The applicant sustained a 1 cm. wound to the left side of the neck. The offender was charged with attempted murder, but the applicant refused to co-operate with the law enforcement authorities resulting in a Stay of Proceedings. This application was therefore denied because of his refusal, and due to the applicant's extremely inebriated state at the time of the incident.

1196/84 This application is made with respect to the death of the applicant's husband, who was assaulted. The offender was charged, but was acquitted as allegedly sexual advances were made by the victim. The application was denied due to the victim's state of intoxication, he allegedly initiated the scuffle which resulted in his demise, and no evidence of a crime of violence had been committed.

1197/84 The applicant, a 33 year old male, was walking down a street when he was assaulted by two men. The applicant suffered a basal skull fracture, a right frontal lobe contusion. This incident was not reported to the proper law enforcement authorities and therefore an investigation of the alleged assault could not be carried out. This application was therefore denied.

1199/84 This application was made with respect to the death of the applicant's common-law husband, who was beaten with a baseball bat. The victim was involved in an altercation, that was initiated by one of his companions. The offender was charged with murder but was found not guilty and was acquitted. This application is denied as there is no evidence that the applicant's common-law husband was a victim of a crime as contemplated by the Act.

1200/84 This application is made with respect to the death of the applicant's son, who was beaten with a baseball bat. The victim was involved in an altercation, that was initiated by one of his companions. The offender was charged with murder but was found not guilty and was acquitted. This application is denied as there is no evidence that the applicant's son was a victim of a crime as contemplated by the Act.

1208/84 The applicant's son was playing unsupervised with other children at a birthday party. The children removed a rifle from a wall mount, found ammunition, and loaded the gun. An argument ensued between two boys as to who should hold the gun and the gun discharged, wounding the applicant's son fatally. This application was denied as there was no evidence that the child was a victim of a crime within the meaning of the Criminal Injuries Compensation Act, and because the amount received by the parents from insurance, etc., far exceeds that which the Board could have awarded in this matter.

1212/84 The applicant, an 18 year old female, was visiting her boyfriend, when an argument erupted between the applicant and her girlfriend, which resulted in a fight. The applicant sustained multiple contusions to both upper and lower eyelids bruises and scratches to upper part of her back and chest and her face. The applicant called the police, but was advised to call back as they could not make any sense of what she was saying due to her inebriated condition. When the applicant returned her call at a later date, she made no mention of the assault, but reported her purse and coat stolen. No charges were laid at the request of the applicant. This application was therefore denied because of the applicant's refusal to co-operate with the law enforcement authorities.

1239/84 The applicant, a 47 year old male, states he was drinking in a licensed beverage room when an argument arose as to who was going to pay for the round at the table. A shoving match apparently took place between the applicant and another male. The man apparently pushed the applicant against a wall and kicked him in the leg. The applicant sustained a fracture of the left ankle with a tear of the deltoid ligament. The incident was not reported to the police, and when the authorities contacted the applicant regarding the incident, he did not wish to proceed with charges against the accused. This application was denied as there was some doubt whether an offence as contemplated by the Act was committed, and because of the applicant's refusal to co-operate with the law enforcement authorities.

1240/84 This application is made with respect to the death of the applicant's infant daughter, who died of carbon monoxide poisoning. The applicants, along with another male, were returning from a party where they had consumed large amounts of alcohol. Apparently the male, who was sitting in the back seat, knocked the applicant out with a beer bottle while he was driving, causing him to lose control of the vehicle and become embedded in the sand of the roadway. He then apparently chased the woman into the nearby bushes and sexually assaulted her. The applicant returned to the car, locked the doors and eventually fell asleep while the car engine was still running. Several hours later the occupants of the vehicle were found and the police were contacted. The infant daughter died. The parents both suffered carbon monoxide poisoning along with other injuries. The police conducted a thorough investigation, interviewed the alleged offender, who denied being in the vehicle at all, the applicant retracted the statement made earlier regarding the sexual assault, and the police determined that all evidence was circumstantial and the main witnesses were unreliable and reluctant to divulge the events of the evening. Therefore, no charges were laid. The application was denied as the applicants were not victims of a crime within the meaning of the Act, their advanced stage of intoxication made it extremely difficult to conclude that they were not the author of their own misfortune, and the police investigation was inconclusive insofar as any criminal activity was concerned.

1242/84 This Award is supplementary to Awards 909/82, and 998/82 in which the applicant received pain and suffering, net lost income, and miscellaneous expenses incurred as the result of injuries sustained in an assault. This application is for further net lost income and related expenses. The Board denied this application stating they felt the applicant had been adequately compensated for her injuries by the earlier awards, and that they determined the applicant was able to seek employment, and any subsequent income loss was unrelated to the injury.

1245/84 The applicant, a 14 year old female, was at a party, where during the course of the evening several people were playing with a shotgun and shells. Apparently the accused picked up the gun and pointed it in the general direction of the applicant and pulled the trigger, not realizing that it was loaded. The applicant suffered a gunshot wound to the left side of the abdomen with perforations of the small bowel and splenic flexure. The offender was charged and convicted of handling a firearm without reasonable precaution and safety of others. The applicant was denied as there was no evidence that the applicant was a victim of a crime within the meaning of the Act.

1246/84 The applicant, a 45 year old male, attended the police station to report a robbery with violence which he claimed occurred one and one half months earlier. He stated he was walking through a mall when a man demanded money and then assaulted him. The application was denied as the applicant did not report the matter to the law enforcement authorities promptly and because of the applicant's advanced stage of intoxication at the time of the incident.

1247/84 The applicant, a 23 year old male, met the accused at a local beverage room and proceeded to drink and take drugs until later in the evening. The applicant apparently made a pass at the accused's girlfriend, and a fight ensued. The applicant was assaulted until he fell into an unconscious state. The offender was convicted of assault causing bodily harm. This application was denied as the applicant was not a victim of a crime because he deliberately put himself into circumstances that eventually led to his injuries and because of his advanced stage of intoxication and use of illegal drugs.

1248/84 The applicant, a 17 year old male, was informed that one of his friends had been assaulted earlier that evening. The applicant found the accused and an argument ensued, before the accused left the premises. Later in the evening the applicant's friend informed him that the accused was looking for him, so the applicant returned to investigate. Words between the accused and the applicant were exchanged and a fight broke out. During the fight both males fell through a plate glass window. The offender was convicted of creating a disturbance by fighting. The application was denied because the applicant was not a victim of a crime but voluntarily participated in a scuffle that eventually resulted in an injury to himself.

1254/84 The applicant, a 23 year old male, states he was walking on a reserve when the offender parked his car nearby and commenced an argument about some money that applicant allegedly owed the offender. A struggle ensued and the applicant was apparently assaulted. The offender was charged with assault, but the judge ruled that both individuals were at fault, and gave the accused an absolute discharge. This application was therefore denied.

1256/84 The applicant, a 16 year old male, was assaulted when questioning the accused about a friend he had beaten up earlier. The offender was charged with assault causing bodily harm. It was brought to the attention of the Board that the applicant was involved in a motor vehicle accident approximately 7 days prior, and had been seen by his physician the day of the assault and was advised to go home and rest in bed. In the follow-up appointment with his physician he was asked to return in approximately 10 days and he failed to do so. This application was denied because of the applicant's failure to co-operate with medical authorities, the applicant exercised poor judgment with respect to his conduct prior to the injury, and the benefits application already received exceeded those the Board would have awarded.

1258/84 The applicant, a 21 year old male, was drinking in a licensed beverage room and due to his involvement in an altercation was asked by the hotel personnel to leave but refused. The police were called to remove the applicant and his friend. The two walked over to a nearby beverage room and sat down with two unknown males and ordered more drinks. When the waiter came with the drinks the applicant took some money off the table to pay for the liquor. An argument ensued between the applicant and the accused over the money. The accused left the beverage room and returned with a meat cleaver and attacked the applicant. The applicant received numerous lacerations including one to his neck, and two to his left forearm which divided the ulnar nerve. At a later date he was admitted to the hospital to repair the nerve, but about halfway through his immobilization he apparently removed the cast himself. He was advised immediately to see his physician but failed to do so. This application was denied because of the applicant's criminal propensities, his intoxication at the time of the incident, the fact that he harassed the accused, and because he failed to co-operate with the medical authorities.

1261/84 The applicant, a 25 year old male, was drinking in a licensed beverage room when he was asked to leave several times by an employee of the bar. The applicant refused each time. Finally the applicant and his friend were forcibly removed by an employee of the bar. The applicant tried to re-enter the premises but was stopped by the employee. The employee allegedly stated that the applicant took a swing at him, and the employee in turn struck the applicant in the face, causing a fractured mandible. The offender was convicted of assault, but this conviction was reversed on appeal. The application was denied as the applicant to a large degree was the author of his own misfortune, the application was received more than 2 years after the incident, and the applicant provoked the hotel security.

1266/84 The applicant, a 44 year old male, was assaulted by six males while leaving a licensed beverage room. The applicant did not report this matter to the proper law enforcement authorities within reasonable time and did not want to press charges. This application was therefore denied.

1269/84 The applicant, a 21 year old male, was assaulted during a fight at a party. The applicant suffered a right parietal lineal skull fracture, ecchymosis of the left eye, and sub-conjunctival hemorrhages, possible hearing loss in the right ear. This application was denied as the applicant did not co-operate with the law enforcement authorities, nor the medical authorities, and the applicant was intoxicated at the time of the incident.

1271/84 The applicant, a 40 year old female, was injured in a motor vehicle accident. She suffered bruises and abrasions to the left knee, fractured ribs, and a fractured right radius with radial nerve palsy. This application was denied as the applicant was intoxicated at the time of the incident, the offences of which the drivers were convicted are not listed in the schedule of offences in the Criminal Injuries Compensation Act, the applicant's version of the events that occurred immediately prior to the incident is very sketchy and inadequate, and the applicant did not exhaust her alternative rights to collect all benefits that may have been available to her.

1273/84 This application is made with respect to the death of a 24 year old female, who was shot to death by her common-law husband. This application was denied as the application was received beyond the time limitation and the limitation was not extended due to the deceased's state of intoxication at the time of the incident, and because she continued to cohabitate with the offender knowing of his violent and unpredictable propensities.

1274/84 The applicant, a 26 year old male, was stabbed during an argument with another male. The applicant suffered a deep 1 1/2 inch stab wound to the left side of the abdomen. This application was denied as the Board found the applicant was not a victim of a crime within the meaning of the Act because of his extensive use of alcohol and illegal drugs prior to the incident and his behaviour and conduct prior to the assault contributed to his injury.

1276/84 The applicant, a 27 year old male, was assaulted by a male and suffered a traumatic macular retinopathy of his left eye, left orbital floor blowout fracture, a laceration to upper and lower left eyelids, and peripheral diplopia. This application was denied as the applicant failed to notify the law enforcement authorities as soon as possible with respect to this incident thus preventing a full investigation.

1277/84 The applicant, a 35 year old male, was shot by his common-law wife and suffered a fractured right patella, undisplaced fracture of the right femoral condyle with embedded metal fragments and entry and exit wounds on the left leg. This application was denied as the applicant acted in a very provocative manner prior to the injury, was extremely intoxicated at the time of his injury, and the information before the Board does not support a finding that the applicant was injured as the result of a criminal act as set out in the Schedule of the Act.

1278/84 The applicant, a 22 year old male, was shot while target shooting with a companion in a trailer. The applicant suffered a gunshot wound entering over the right zygoma passing through the maxillary sinuses and exiting through the left zygoma, resulting in an undisplaced fracture of the right zygoma, contused fifth cranial nerve, and bruising of the left eye. This application was denied as the applicant was intoxicated at the time of the incident, and voluntarily put himself in a risky situation, and the information before the Board does not support a finding that the applicant was injured within the meaning of the Act.

1279/84 The applicant, a 24 year old male, was assaulted after an argument with some strangers about the way the stranger's vehicle was being driven. The applicant suffered a transverse fracture of the patella. This application was denied because the applicant voluntarily put himself into a risky situation, did not report the incident to the law enforcement authorities, thus making an investigation into this matter impossible.

1282/85 The applicant, 29 year old male, bumped into a stranger on the street and a fight ensued. The applicant suffered lacerations to his head and upper lip. The offender was convicted of assault. The Board denied this application because the applicant was extremely intoxicated at the time of the incident.

1283/85 The applicant, a 40 year old male, was beaten by a male and suffered a fractured skull and concussion, lacerations and several broken teeth. This application was denied because the applicant was extremely intoxicated at the time of the incident, and admitted to using illegal drugs. The applicant was also found in bed with the offender's wife.

1285/85 The applicant, a 21 year old female, was taken to a farmyard and raped by two males. This application was denied because the applicant was extremely intoxicated at the time of the incident and was partying all night and into the early morning with the offenders.

1291/85 The applicant, a 22 year old male, was assaulted at a nightclub by an unknown male. The applicant suffered a fractured mandible and loose teeth. This application was denied because the applicant failed to report this incident promptly to the law enforcement authorities.

1294/85 The applicant, a 21 year old male, attended with some friends to a residence to collect some money that was apparently stolen earlier. A fight ensued and the applicant received a stab wound to the right arm severing the brachial artery and median nerve. The offender was not apprehended. This application was denied because the applicant was intoxicated at the time of the incident, put himself into hazardous circumstances, and was the offender in two unrelated incidents approximately 1 hour prior to this incident.

1299/85 The applicant, a 19 year old male, forced his way into a residence demanding the whereabouts of his friend. A brawl resulted and the applicant ran out of the house but was followed by the accused and struck down with his car. The applicant suffered a dislocation of the right knee, fracture of the right fibula, and a laceration to his right calf. The accused was charged with attempted murder. This application was denied because the applicant received a settlement from an insurance company that would far exceed that which the Board would have awarded. Also his behaviour prior to the incident disqualified him from compensation from the Board.